

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Martin, et al.

Group Art Unit: 2144

Serial No.: 10/630,071

Examiner: Ibrahim, Mohamed

Filed: July 30, 2003

Docket No. 200208611-1

For: **Systems and Methods for Collecting Data Regarding a Messaging Session**

REPLY BRIEF RESPONSIVE TO EXAMINER'S ANSWER

Mail Stop: Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

The Examiner's Answer mailed January 26, 2009 has been carefully considered.

In response thereto, please consider the following remarks.

AUTHORIZATION TO DEBIT ACCOUNT

It is not believed that extensions of time or fees for net addition of claims are required, beyond those which may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required therefor (including fees for net addition of claims) are hereby authorized to be charged to deposit account no. 08-2025.

REMARKS

The Examiner has provided in the Examiner's Answer various responses to points made in Applicant's Appeal Brief. Applicant addresses those responses in the following.

1. Writing a Session Identifier to a Thread-Local Variable

As expressed in Applicant's Appeal Brief, Karakashian does not in fact disclose "writing a session identifier to a thread-local variable, the session identifier identifying a messaging session to which the incoming message relates". In particular, paragraph 0038 of the Karakashian reference (reproduced in the Appeal Brief), which was cited and relied upon by the Examiner, simply does not describe "writing" a session identifier to a thread-local variable.

In view of the above fact, Applicant requested in the Appeal Brief that the Examiner cite the particular lines of paragraph 0038 that the Examiner believes teaches writing a session identifier to a thread-local variable, the session identifier identifying a messaging session to which the incoming message relates. Unfortunately, the Examiner decided to do so. Instead, the Examiner simply reiterated his general allegation that such an action is contained in paragraph 0038. Applicant reiterates that nowhere within paragraph 0038, or elsewhere in the Karakashian reference, does Karakashian describe writing a session identifier to a thread-local variable, the session identifier identifying a messaging session to which the incoming message relates.

2. Performing a Thread-Local Variable Lookup so as to Retrieve the Session Identifier

As was also expressed in Applicant's Appeal Brief, Karakashian does not actually disclose "performing a thread-local variable lookup so as to retrieve the session identifier written to the thread-local variable" prior to providing an outgoing message to a second network service or a client. In particular, paragraphs 0038 and 0107 of the Karakashian reference (reproduced in the Appeal Brief), which cited and relied upon by the Examiner, simply do not describe performing a thread-local variable lookup so as to retrieve the session identifier written to the thread-local variable.

In view of the above fact, Applicant requested in the Appeal Brief that the Examiner cite the particular lines of paragraphs 0038 or 0107 that the Examiner believes teaches writing a session identifier to a thread-local variable, the session identifier identifying a messaging session to which the incoming message relates. Unfortunately, the Examiner declined to do so. Instead, the Examiner simply reiterated his general allegation that such an action is contained in paragraph 0107. Applicant reiterates that nowhere within paragraph 0107, or elsewhere in the Karakashian reference, does Karakashian describe performing a thread-local variable lookup so as to retrieve the session identifier written to the thread-local variable.

3. Storing in a Database in Relation to the Session Identifier Session Data Relevant to the Incoming Message, Including a Message Received Time

During prosecution, the Examiner acknowledged that Karakashian does not disclose or suggest “storing in a database in relation to the session identifier session data relevant to the incoming message”, the session data including both a “message received time”. To account for that deficiency of the Karakashian reference, the Examiner cited the Kaler reference, which was alleged to disclose such storing in paragraphs 0006, 0016, 0017, 0019, and 0041. As noted in the Appeal Brief, however, Kaler does not actually disclose such an action in those paragraphs.

In view of the above fact, Applicant requested in the Appeal Brief that the Examiner cite the particular lines of Kaler’s paragraphs 0006, 0016, 0017, 0019, and 0041 that the Examiner believes teach storing in a database in relation to the session identifier session data relevant to the incoming message, the session data including both a message received time. Again, the Examiner declined to do so. Indeed, the Examiner did not even mention the Kaler reference in the Examiner’s Answer. It therefore appears that the Examiner now acknowledges that Kaler contains no such disclosure.

Instead of relying on Kaler, the Examiner now appears to rely on the Kennedy reference, which the Examiner alleges teaches storing in a database in relation to the session identifier session a message received time in column 3, “lines 6-44.” It would have been helpful if the Examiner could have narrowed the citation to Kennedy’s disclosure to focus Applicant’s and the Board’s attention on the precise passage or passages that the Examiner believes to teach such storing. Regardless, Applicant has

reviewed lines 6-44 of column 3 and can find no disclosure or suggestion of storing in a database in relation to the session identifier session a message received time. Instead, as described in the Appeal Brief, Kennedy merely describes a “posted or sent time,” which Kennedy describes as pertaining to a time at which a message is “posted to a database.” See *Kennedy*, column 3, lines 35-38. Clearly, such a time is not a “message received time” (i.e., the time at which an incoming message was intercepted; see claim 1).

4. Storing in a Database in Relation to the Session Identifier Session Data Relevant to the Incoming Message, Including a Message Sent Time

During prosecution, the Examiner acknowledged that Karakashian does not disclose or suggest “storing in a database in relation to the session identifier session data relevant to the incoming message”, the session data including both a “message sent time”. To account for that deficiency of the Karakashian reference, the Examiner cited the Kennedy reference, which was alleged to disclose such storing. As noted in the Appeal Brief, however, the Kennedy reference does not actually contain such a disclosure. Instead, as expressed in the Appeal Brief and above, Kennedy merely mentions a “posted or sent time,” which Kennedy describes as pertaining to a time at which a message is “posted to a database.” See *Kennedy*, column 3, lines 35-38. Therefore, Kennedy’s “posted or sent time” is not the same as the “message sent time” recited by Applicant (i.e., the time that an outgoing message is intercepted; see claim 1).

CONCLUSION

In summary, it is Applicant's position that Applicant's claims are patentable over the applied prior art references and that the rejection of these claims should be withdrawn. Appellant therefore respectfully requests that the Board of Appeals overturn the Examiner's rejection and allow Applicant's pending claims.

Respectfully submitted,



David R. Risley
Registration No. 39,345